

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:12-CR-00043-KDB-DCK

USA )  
 )  
v. )                  ORDER  
 )  
JOHN ROBERT MULLEN )  
 )

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**THIS MATTER** is before the Court on the defendant's pro se pleading which can most liberally be read as a motion for relief under the First Step Act of 2018 challenging his career offender status (Doc. No. 37)<sup>1</sup>.

The defendant pleaded guilty to bank robbery by force or violence in violation of 18 U.S.C. § 2113(a), (Doc. No. 21: Judgment at 1). Career offender status is unaffected by the First Step Act and the defendant had several prior state felony convictions that qualified him as a career offender. The defendant is not eligible for a sentence reduction under the Act, § 404(b), (c), Pub. L. 115-135 (2018).

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED** without prejudice to raise specific claims on his own.

Signed: March 3, 2020

  
Kenneth D. Bell  
United States District Judge 

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<sup>1</sup> Defendant asserts that he was subject to a §851 enhancement, however the docket reveals that none was filed.